UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1998/59
28 January 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights, Mr. Maurice Danby Copithorne, pursuant to Commission resolution 1997/54

CONTENTS

		Paragraphs	Page
Introduction		1 - 5	4
I.	THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES	6 - 8	4
II.	FREEDOM OF EXPRESSION	9 - 11	5
III.	THE STATUS OF WOMEN	12 - 17	6
IV.	LEGAL SUBJECTS	18 - 23	7
	A. Executions	18 - 20	7
	B. Torture and other cruel, inhuman or degrading treatment or punishment	21 - 23	7
V.	THE FATWA AGAINST SALMAN RUSHDIE	24	8
VI.	THE SITUATION OF THE BAHA'IS	25 - 28	8

GE.98-10330 (E)

CONTENTS (continued)

		Paragraphs	Page
VII.	OTHER IMPORTANT MATTERS	29 - 37	8
	A. The Islamic Human Rights Commission	29 - 31	8
	B. The situation of certain religious minorities	32 - 35	9
	C. Religious dissidents	36 - 37	10
VIII.	CORRESPONDENCE WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN	38 - 39	10
IX.	CONCLUSIONS	40 - 43	11

Annexes

I.	FREEDOM OF EXPRESSION	12
II.	INFORMATION ON THE SITUATION OF THE BAHA'IS	14
III.	CORRESPONDENCE BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE	16

Summary

In his earlier reports to both the Commission on Human Rights and the General Assembly, the Special Representative has stated his objective which is to bring the status of human rights in the Islamic Republic of Iran into clearer focus. He strives to note areas in which progress is being made as well as those in which it is not.

In this report, the Special Representative notes, as he has in the past, that Iran, being a complex and dynamic society, cannot be readily captured in 20 or 30 pages, particularly when the observer is unable to visit the country. In the period under review, this difficulty is if anything more pronounced. Clearly a very open discourse is under way in Iran and a major theme is human rights.

The area in which this is perhaps most evident is that of freedom of expression. The new Government of President Khatami is clearly attempting to move towards a more liberal view of dissent and has announced the objective of developing an Islamic civil society. This important and positive step is being met with resistance. Reports continue of human rights violations.

With regard to the status of women, all the indicators, including presidential statements, seem to point to change, indeed to accelerated change. Given the remarkably popular mandate of the President, there is no evident reason for delay.

The legal/judicial sector is perhaps the one showing the least signs of change at the present time. The number of executions continues to grow sharply; the use of cruel, inhuman or degrading treatment or punishment continues unabated. The treatment of religious dissidents and the activities of extrajudicial groups remains of serious concern.

There is little, if any, apparent progress on the matter of the Fatwa against Salman Rushdie. The situation of the Baha'is continues to violate accepted international norms.

The prospecting improvement of the human rights situation in Iran has certainly grown stronger since the Government of President Khatami took office. Some observers believe they will, in time, be both substantiated and broadly based.

"Human rights are what make us human. They are the principles by which we create the sacred home for human dignity ... Human rights are the expression of those traditions of tolerance in all cultures that are the basis of peace and progress. Human rights, properly understood and justly interpreted, are foreign to no culture and native to all nations."

United Nations Secretary-General Kofi A. Annan
University of Tehran, 10 December 1997

Introduction

1. The most striking development in the Islamic Republic of Iran in the period under review (September-December 1997) are the efforts of the new Government of President Khatami to give substance to his pre- and post-election commitments to develop a society that cherishes the rule of law and personal freedoms. The Government has begun to take measures to this end and to its credit is encouraging a wide-ranging public discussion. The objective, an "Islamic Civil Society", is being described as "a space for intellectual, political and cultural expression free from State interference". This is obviously an important and positive step.

2. Meanwhile, parallel to this development and perhaps to some degree as a reflection of it, there continue to be violations of human rights. This report seeks to highlight some of the positive as well as the negative developments. It is not and cannot be an exhaustive commentary on the state of human rights in the country.

3. The Special Representative wishes to state that he has not been invited to Iran in the period under review and has thus not been in the country since February 1996 when he spent six days there as an introduction to his mandate. Notwithstanding the absence of an invitation, the terms of the mandate require him to submit reports twice a year. There are of course many sources of information located outside of Iran but it is clear that actual visits to the country are very important for the fullest discharge of the mandate. Efforts to organize consultations outside the country with relevant government officials have proven to be in no sense an alternative to a country visit.

4. One of the direct results of this situation is that the Special Representative has not been able to report on some of the subjects he has identified in his reports as priority ones. There has simply not been sufficient information available outside the country to address such subjects with the attention they deserve, particularly where they should involve discussion with government ministers and officials as well as aggrieved individuals. There is now a substantial list of such subjects, many of which are mentioned in this and earlier reports.

5. The Special Representative urges the Government to resume its full cooperation with his mandate in the course of 1998 and, for his part, the Special Representative has indicated to Iranian officials a number of windows of opportunity.

I. THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

6. On 17 November 1997, the Special Representative introduced his third report to the Third Committee of the General Assembly (A/52/472). While in New York, he held consultations with representatives of the Government of the Islamic Republic of Iran and representatives of several non-governmental organizations based in North America. On the way from New York, the Special Representative made a stopover visit to Boston, a city with an important Iranian constituency, from 20 to 23 November 1997. The Special Representative came to Geneva from 5 to 9 January 1998 in order to conduct a number of

consultations and to draft the present report. While in Geneva, he also received representations from interested persons concerning alleged human rights violations in the Islamic Republic of Iran.

7. In seeking to fulfil his mandate, the Special Representative has looked to many sources for information, including the Government of the Islamic Republic of Iran, other Governments, individuals, non-governmental organizations and the Iranian and international media. Both in New York and in Geneva, the Special Representative held interviews with representatives of several non-governmental organizations, among them Amnesty International, the Baha'i International Community, Human Rights Watch/Middle East, Lawyers Committee for Human Rights and the National Council of Resistance of Iran.

8. During the period covered by the present report (September-December 1997), the Special Representative also received written communications from the following non-governmental organizations: About Iran; Amnesty International; Baha'i International Community; Centre for Arab and Iranian Studies; Committee for Defence of Liberty in Iran; Committee for Humanitarian Assistance to Iranian Refugees (CHAIR); Democratic Party of Iranian Kurdistan; Human Rights Watch/Middle East; the International Federation of Iranian Refugees and Immigrants Councils; International PEN Writers in Prison Committee; Iranian People Fedaii Guerrillas; Ligue pour la defense des droits de l'homme en Iran; National Council of Resistance of Iran; Organization for Defending Victims of Violence; Supporters of the Iranian Muslim Nation; World Council for Imamiah Affairs; and World Organization against Torture.

II. FREEDOM OF EXPRESSION

9. In the Special Representative's most recent interim report to the General Assembly (A/52/472), he devoted some attention to this subject and on the basis of the information available to him, concluded that the need for change was urgent. Indeed, some Iranian sources were saying that at no time since the Revolution had the atmosphere been more repressive. Now, as the Government begins to move towards a more open society, it is encountering significant opposition.

10. On the positive side, information reaching the Special Representative suggests that the executive branch at least is making concrete efforts to create a secure context for freedom of expression in Iran. Selected evidence of this is set out in annex I. That problems remain and, in particular, that the executive's recent measures as well as its objectives are being resisted is also clear. Selected evidence of this is also set out in annex I.

11. The Special Representative believes it is difficult and probably premature to properly weigh these various trends and incidents but he is prepared to share an apparently widely held view that fundamental change could be under way. In the Special Representative's view the most serious current problem is the need to bring into line with announced government policy on freedom of expression the activities of various elements in the judiciary and the security services, as well as extrajudicial groups such as the Ansar-e Hezbollah, which are resisting change and consequently the

strengthening of human rights in Iran. According to information received, the Government may now have begun efforts to curb the extrajudicial groups.

III. THE STATUS OF WOMEN

12. The status of women is one of those areas in which significant change was expected to be seen of the new Government. It was certainly one in which a lively and generally tolerated debate had grown up within Iran in recent years.

13. The dominant theme of scholarly and popular articles seems to be that change is necessary and, importantly, that it is possible within the context of Iran's Islamic system of governance. In this regard, note is taken in particular of the views of the prominent scholar Ayatollah Seyed Mohammad Bojnourdi, as expressed in an interview in a scholarly journal, that "many of the laws referred to in fegh and specific laws for men and women which seem to be discriminatory in nature, can be revised". He mentions in particular such matters as the value of women's evidence of witness, inheritance, retribution, dieh, judgement in civil and penal codes, and the arranged marriage by fathers or grandfathers of young girls. There are, to be sure, some clerics as well as others who speak against change in the status of women.

14. As for the Government, President Khatami was quoted in a foreign wire service report in early December 1997 as calling for a re-evaluation of religious attitudes towards women. "We must look at religion anew and purge practices that are considered religious but are not". A senior official in the former Government, Shahla Habibi, was quoted in the Iranian press in October 1997 as declaring that "in spite of the Islamic revolution's achievements to restitute the identity of Moslem women in Iran, there is a long way to go towards reviving personal and social rights of women in the country".

15. With regard to the Majilis (Parliament), generally considered to be dominated by conservative elements, it is to be noted that some new legislation is being passed. Most recently, a law was approved allowing a woman to be accorded custody of her children if she could show her spouse to be an unfit father.

16. The Special Representative would also note the showing of the film "Leila" in Tehran and the healthy debate it has reportedly generated about the status of married women and multiple marriage in particular. Nevertheless, the system remains discriminatory and incidents do continue to occur, perhaps at a reduced frequency, that clearly offend the plain meaning of equality, as well as the international standards involved.

17. It is not the Special Representative's mandate to suggest why change is not occurring more quickly in Iran in this area; it is his mandate to state again that it is urgently needed, and to recommend to the Government that it attach high priority to introducing change that, along the road to equality, would accord women enhanced status.

IV. LEGAL SUBJECTS

A. Executions

18. In his last several reports the Special Representative has noted the continuing sharp growth in the number of executions in Iran as reported in the Iranian press. This trend has continued through the end of 1997 with the total reportedly reaching 199, with 95 of these taking place in public. Some observers believe the actual figures to be higher. The Government does not seem to publish such figures and requests by the Special Representative for such information have gone unanswered.

19. It has been stated to the Special Representative that many of the executions relate to drug trafficking and are a reasonable response to the threat faced by Iran in protecting itself as well as the other countries to which the drugs are also consigned. The Special Representative would welcome statistics in this regard as well as more precise information on the protection of human rights within Iran's drug interdiction policies.

20. In his last interim report to the General Assembly, the Special Representative referred to the pertinent 1997 resolution of the Commission on capital punishment (resolution 1997/12) and urged the Government to bring Iran's policy into line with those recommendations (A/52/472, paras. 18 and 19). With the situation continuing to worsen, the Special Representative calls upon the new Government to recognize the importance and the urgency of reversing the present trend, and to put in place policies that will bring Iran into compliance with the Commission's recommendations.

B. Torture and other cruel, inhuman or degrading treatment or punishment

21. In his last interim report to the General Assembly (A/52/472, paras. 31-34), the Special Representative focused on the use of stoning in the Islamic Republic. Since then, it has been brought to his attention that, based on press accounts, the figures used by the Special Representative in that earlier report understate the real number of deaths and secondly, that many of the stonings have in fact taken place in larger cities including Tehran, Hamedan, Isfahan and Kermanshah. It is also asserted that all such punishments have to be endorsed by the Supreme Court and that accordingly, the incidents concerned are not random acts of excess. The Special Representative declares his condemnation of such punishment.

22. In the current report, the Special Representative focuses on a second punishment, amputation, that is widely accepted as violating international norms as set out in article 7 of the International Covenant on Civil and Political Rights, article 1 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in article 1 of the Convention on this subject. Two such recent cases have come to the Special Representative's attention. (Government representatives point out that amputation would only be carried out for repeat offences.)

(a) In September 1997, *Salaam* reported that Branch 12 of Tehran's General Court had condemned one Gholam - Hossein to have four fingers amputated for having stolen 28 cameras and camera equipment;

(b) Also in September 1997, *Jomhouri-Islami* reported that Gotvand General Court had condemned Asghar Ghasemi and Farhad Haydari to have their hands amputated for robbery and forgery.

23. The Special Representative recommends that the Government of Iran commit itself to the abolition of this form of punishment.

V. THE FATWA AGAINST SALMAN RUSHDIE

24. The Special Representative notes with regret the recent statement to the Spokesman of the Ministry of Foreign Affairs that contrary to press reports, the Government would not provide a written guarantee that it would not seek to carry out the death threat. Once again, the Special Representative would record his condemnation of this threat, and his calls upon the Government to address this matter constructively.

VI. THE SITUATION OF THE BAHA'IS

25. Reports of cases in which the human rights of Baha'is have been breached and of situations of discrimination and even of persecution, including extrajudicial executions, arbitrary detentions, refusal of entry to universities, confiscation of property and dismissal from employment, continued to be received by the Special Representative (see annex II).

26. The Special Representative was informed that two Baha'is were killed in July 1997, and those responsible for the deaths were enjoying impunity. Fifteen Baha'is continue to be held in Iranian prisons. As reported earlier, four Baha'is remain subject to the death sentence.

27. Information was received asserting that being active in the Baha'i community and gathering for Baha'is meetings are in practice considered offences. Short-term detention of Baha'is, disregard of their private ownership of property, eviction from and confiscation of their houses and destruction of their holy places continue to be reported (see annex II).

28. The Special Representative reiterates his opinion that the implementation of the recommendations contained in the report submitted to the Commission on Human Rights at its fifty-second session by the Special Rapporteur on the question of religious intolerance on his visit to the Islamic Republic of Iran (E/CN.4/1996/95/Add.2) would constitute an important first step in the improvement of the situation of Iranian Baha'is.

VII. OTHER IMPORTANT MATTERS

A. The Islamic Human Rights Commission

29. In the period under review, one initiative of the Islamic Human Rights Commission came to the Special Representative's attention. The Iranian press carried a story on 22 December that the Commission is investigating the arrest

of Ibrahim Yazdi (a former Cabinet minister and well-known political figure who was subsequently released on bail), the recent developments in Qum (an apparent reference to recent tension among major clerical figures) and attacks, allegedly by Ansar-e Hezbollah groups, on movie theatres in Isfahan and Amol.

30. In his last report (A/52/472, para. 52), the Special Representative made certain recommendations with regard to the activities of the Islamic Human Rights Commission. On this occasion, the Special Representative would draw attention to the latest resolution of the Commission on national institutions for the promotion and protection of human rights which, among other provisions, reaffirms the importance of the development of "effective, independent, pluralistic national institutions for the promotion and protection of human rights" in keeping with the 1993 Paris Principles (resolution 1997/40, para. 1). The Paris Principles establish benchmarks for the competence of national institutions as well as their composition, the appointment of members, the guarantee of independence and pluralism, and on methods of operation. The Special Representative also notes that representatives of national human rights institutions now meet among themselves to consider matters of mutual concern, most recently in Mexico City.

31. The Special Representative views the further development of the Islamic Human Rights Commission to be an important step in the strengthening of human rights in Iran and to that end recommends that the Islamic Commission and the Government embark on a process to gradually bring the Commission within the ambit of the Paris Principles. The Government might also wish to request technical assistance of the Office of the United Nations High Commissioner for Human Rights to assist in meeting this objective.

B. The situation of certain religious minorities

32. In his interim report to the General Assembly (A/52/472, paras. 61-63), the Special Representative raised the subject of certain religious minorities in Iran. He should perhaps have addressed at that time the question of what constitutes a minority. The Special Representative understands that there is no one generally accepted definition of this term within the glossary of United Nations terminology. The one most widely quoted is apparently that of the then Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Francesco Capotorti. For the purposes of article 27 of the International Covenant on Civil and Political Rights, he defined a minority as "a group numerically inferior to the rest of the population of a State, in a non dominant position, whose members being nationals of the State possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language" (E/CN.4/Sub.2/384/Rev.1, para. 568). This definition clearly encompasses two elements: differences in ethnic, religious or linguistic characteristics, and a sense of self-definition as well as a commitment to the preservation of the defining characteristics.

33. The definition apparently used by the Government of Iran differs materially, at least with regard to religious minorities; the Government

recognizes as minorities only those groups defined as such in the Iranian Constitution. The Government appears to be saying that substantial groups who define themselves as minorities are not religious minorities because the Constitution does not recognize them as such. It seems to the Special Representative that such an approach can be inimical to the recognition of the human rights of persons belonging to such groups. Minority groups are very often vulnerable and in many cases require the protection of the State to ensure they enjoy all the liberties and rights enjoyed by the majority. In addition, it is now recognized that beyond the rights enjoyed by the majority, the minority may have special rights related to the protection of its defining characteristics. See, for example, the United Nations Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, General Assembly resolution 47/135 of 18 December 1992.

34. The use of the term "minority" is an important aid to defining types of discrimination faced by such a group and the measures necessary to overcome it. In the end, what counts is surely the enjoyment of human rights rather than a particular constitutional definition.

35. The Special Representative has reason to believe that in Iran groups fitting the Capotorti definition may face discrimination, in some cases religious and in others ethnic or linguistic, and he will be pursuing his inquiry, preferably in the context of his next visit to Iran.

C. Religious dissidents

36. In previous reports (E/CN.4/1996/59, paras. 86, 87 and annex VII; A/51/479, paras. 32 and 33; E/CN.4/1997/63, paras. 32-34), the Special Representative has referred to the treatment of certain dissident Shia clerics, mainly in Qum. The Special Representative has recently received information that two further supporters of Grand Ayatollah Shirazi, Syed Aref Nasrollah and Theqatol Islam Bagirzadeh, were forcibly arrested in Qum on 15 October 1997 by agents of the Clergy Courts. The other persons referred to in earlier reports, or most of them, apparently remain under detention.

37. The Special Representative renews his recommendation that as the Government declares the charges against those concerned to be of an essentially ordinary criminal nature, they should be transferred to the general courts to be heard in public session with the accused being accorded the right to independent counsel.

VIII. CORRESPONDENCE WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

38. The correspondence between the Special Representative and the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva during the period from September to December 1997 is set out in annex III to the present report. It consists in part of requests for information on individual cases. Also during the period, the Special Representative sent to the Government of the Islamic Republic of Iran, either in his own name or jointly with Special Rapporteurs, a number of urgent communications referring to individual cases. The Special Representative appealed to the Iranian Government to ensure that those affected benefited

fully from all the internationally recognized safeguards, particularly those provided for in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly by its resolution 3452 (XXX) of 9 December 1975.

39. The Special Representative is concerned at the low rate of response by the Government of the Islamic Republic of Iran. He plans to discuss the problem with the Iranian authorities in the context of improving cooperation.

IX. CONCLUSIONS

40. The Islamic Republic may be viewed as being in the early stages of a transition. The areas of acceptable public discourse have been broadening; some of the verities of the Revolution are now being openly debated. The Government's declared objectives of an Islamic civil society offers the prospect of a brighter future for individual human rights in the country. The courage of the new Government in setting this course must be recognized.

41. However, despite its apparent overwhelming mandate from the people of Iran, the Government will face many challenges, the immediate one being the significant resistance to its declared policies that seems to exist in some powerful quarters. The result is that at the moment of writing (January 1998) progress is more uncertain and slower than should be the case.

42. Human rights do continue to be violated in Iran. Some of the areas most in need of attention have been identified in this report. Others have been mentioned in earlier reports.

43. In the past the Special Representative has identified the need for Iran - the people and the Government - to embrace a commitment to a society that is more tolerant of diversity, that is more respectful of human dignity and of the law. Such a goal need not be interpreted as necessarily opening the door to either rampant individualism or secularism. Rather, it can be seen simply as reflecting the high ideals which, as recalled recently in Tehran by the Secretary-General of the United Nations, are shared by all great traditions.

Annex I

FREEDOM OF EXPRESSION

Positive trends

The existing bans on a number of publications have been lifted.

The number of licences for new publications has nearly doubled.

The "Council on Exhibition Arts and Plays" has been abolished.

A press syndicate or association of some 2,000 members has been established and at least one editor of a liberal newspaper is on the executive.

A permit was issued for the film "Snowman" which is reportedly considered by some to be contrary to Islamic values and which had been banned by the Ministry of Culture and Islamic Guidance before Minister Mohajerani took office.

The Minister of the Interior defended in the Majilis the granting of permission to the Union of Islamic University Students to hold a rally on 21 October 1997 to discuss the issues facing the country, including the civil society concept as well as some academic issues. The rally apparently heard speeches that some considered anti-Constitution and anti-Velayat. The Minister used the occasion of his defence to express dismay at some of the unlawful measures resorted to by some groups against newspaper publishers, university organizations and seminaries.

Condemnation by the Government of violence intended to curtail freedom of expression is being heard more often.

Negative incidents

The mysterious death earlier in the year of an Iranian editor, Ebrahim Zal Zadah, allegedly while in custody, has apparently yet to be explained or made the subject of an open inquiry.

In September 1997, it was confirmed that an editor, Morteza Firouzi, who disappeared in June, had been charged with spying for a foreign Government.

In August 1997, assailants vandalized the office of a monthly, Iran Farda; in November the Isfahan office of a Tehran daily, *Salaam*, was also attacked after it had received a number of threats. The Government states that an active investigation is under way.

In September, it was reported that Kalimollah Tohid, a well-known Kurdish scientist and writer, had been arrested in Mashhad and that nothing further had been heard of him.

The beating and abduction of officials of the Union of Islamic Students and the vandalizing of the organization's offices, apparently in retaliation for statements made at the 21 October student meeting at the University of Tehran.

The recent attacks on patrons and the vandalizing of movie theatres in Tehran, Isfahan, Babol and Shiraz which were showing the film "Snowman". The Government states that 70 persons have been arested in connection with these incidents.

Recent successful efforts by members of Ansar-e Hezbollah to prevent individuals holding dissident views such as Abdol-Karim Soroush and Habibollah Peyman from delivering speeches at universities in Tehran.

Annex II

INFORMATION ON THE SITUATION OF THE BAHA'IS

1. According to information received by the Special Representative, two Baha'is were killed in July 1997. Masha'llah Enayati, a 63-year-old Iranian Baha'i, died on 4 July 1997 after being severely beaten while in custody in prison in Isfahan. He was arrested under circumstances that are not clear during a visit to his native village of Ardistan to attend a Baha'i meeting. Another Baha'i, Shahram Reza'i, a conscript in the army, was shot in the head on 6 July 1997 by his superior officer on a military base close to Rasht. The officer concerned, who reportedly was responsible for weapons training, maintained that the bullets were fired in error and was released after a few days. It was asserted that because the dead soldier was a Baha'i, the court excused the officer from paying the blood money normally required in such cases.

2. With regard to imprisonment of Iranian Baha'is, the Special Representative was recently informed that 15 Baha'is continued to be held in Iranian prisons. Among them are Bihnam Mithaqi and Kayvan Khalajabad, who were visited by the Special Representative in Evin prison in February 1996. As he reported, the Supreme Court subsequently confirmed the death sentences against them. Death sentences remain in effect against Musa Talibi and Zabihullah Mahrami, reportedly for charges that include apostasy. Since Mr. Mahrami's heirs are also Baha'is, his assets and properties were reportedly confiscated.

3. Information was also received concerning Arman Damishqi and Kurush Dhabihi, who were arrested for misconduct in early 1996 and reportedly told that they must recant their faith in order to be freed. They refused to recant and were reportedly sentenced to eight years' imprisonment.

4. Two Baha'is who were serving a three-year sentence, Mansur Haddadan and Kamyar Ruhi, have been convicted of being active in the Baha'i community, of gathering for Baha'i meetings in a private house and of working against the security of the country .

5. Other Baha'is being held in Iranian prisons are Jamal Hajipur and Mansur Mihrabkhani, arrested on 19 May 1997 in Bujnurd; Hushang Mazlumian, arrested in August 1997 in Aliabad Gorgan; Sirus Dhabihi-Muqaddam, Hidayat-Kashifi Najafabadi and Ataullah Hamid Nasirizadih, arrested in Mashhad in the fall of 1997; Ruhu'llah Rawhani, arrested also in Mashhad on 20 September 1997, and Nasir Qadiri, arrested in Birjand on 5 November 1997 after persisting in holding a monthly gathering of a few Baha'i families. Nasir Iqani, who was arrested in Simnan in August 1997, was later released.

6. The Special Representative was recently informed that a Baha'i holy place in Orumiyeh was demolished in December 1996 in order to construct a new building. This property belonged to a Baha'i organization, all of whose properties had been confiscated. It was in the possession of the Revolutionary Guards. In Kashan, a mosque was built on land confiscated from Baha'is. It was said that a number of complaints supported by proper ownership documents produced no redress.

7. The Special Representative was also informed that the private ownership of property by Baha'is continued to be generally disregarded. In a recent attack on two houses owned by Baha'is, they were evicted and had their furniture and belongings put out on the street. Actions to confiscate the property of 10 other families were also reported. The Special Representative received recently a verdict issued by Branch 16 of the Revolutionary Court of Tehran at the end of 1996 according to which the Court establishes that the house and property of an Iranian Baha'i woman, that had been confiscated and later sold to a colonel of the Revolutionary Guards, had been officially transferred although it should be agreed to give her another property having a value equivalent to the property in question.

8. Seizure of personal properties, denial of access to higher education and employment, deprivation of the means to earn a living, denial of pensions and other benefits, and denial of civil rights and liberties were also reported.

9. The Special Representative received a document according to which a former member of the Iranian army was informed that his government pension had been discontinued because he was a Baha'i.

Annex III

CORRESPONDENCE BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE. SEPTEMBER-DECEMBER 1997

1. On 9 October 1997, the Special Representative sent to the Minister for Foreign Affairs of the Islamic Republic of Iran a letter requesting he be informed of the results of the official investigation on the allegations of bad conditions of detention, ill-treatment and torture in the prisons of Ahvaz, Isfahan, Shiraz and Tehran that had been transmitted by the Special Rapporteur on torture by letter dated 18 August 1997. In that letter, the Special Rapporteur had expressed his concern with regard to a hunger strike initiated on 7 June 1997, as a consequence of which six prisoners had died. The Special Representative joined the appeal by the Special Rapporteur and requested also to be informed on the current situation in the prisons mentioned above. The Government has not responded yet.

2. On 10 October 1997, the Special Representative and the Special Rapporteur on torture transmitted to the Minister for Foreign Affairs of the Islamic Republic of Iran a joint urgent appeal requesting the authorities to ensure that the right to physical and mental integrity of Mohammad Ali Ghasemi, a Tehran district mayor, was protected. He had been sentenced to 170 lashes, 7½ years' imprisonment, 5 years of exile, a fine of 400 million rials and exclusion from any government position after having being found guilty of illegitimate relationships with three women and illegal drug use. The Government has not responded yet to this communication.

3. By letters dated 8, 16 and 26 September 1997, 26 November 1997 and 30 December 1997, the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva provided the Special Representative with the text of several articles on various subjects published in Iranian newspapers.

4. By letter dated 24 December 1997, the Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted the following information to the Special Representative:

> "I would like to provide you with the following information received from the competent authorities:
>
> "Ms. Ashrafosadat MIR-HOSSAINY was arrested on 9 April 1996 on charge of establishing a corruption center, where she was serving alcohol and drugs. In conformity with due process of law, she was tried by a competent court. The court found her guilty of the charge and sentenced her to 3 years' imprisonment and a fine of 80,000 rials. The imprisonment was further suspended and she was released.
>
> "Sheikh MAKY AKHOND was arrested on 7 May 1994 on charges of disinformation and falsification, organizing illegal meetings and disturbing public order. In conformity with due process of law, he was tried by a competent court. The court found him guilty of the charges

and in accordance with Islamic Penal Code articles 87, 88 and 141 sentenced him to 3 years' imprisonment. He was further pardoned and released.

"Mr. Abbas MAROUFY was tried by a competent court on charges of disinformation and falsification, insulting religious sanctities and encouraging corruptions. The court found him guilty of the charges and in accordance with Islamic Penal Code articles 141, 86 and 48 sentenced him to 20 lashes. Furthermore, according to Press Law article 28 and the Islamic Penal Code article 19, he was sentenced to 2 years' prohibition of press activities and ban of his GARDOUN publications. However, he was exonerated of charges of encouraging corruptions. He and his lawyers appealed. The court of appeal by verdict No. 205 dated 24 October 1996 commuted his lashing sentence to a fine."